

### **REMARKS**

The Examiner's comments from the Office Action mailed June 19, 2007 have been carefully considered. Claims 49 and 50 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue claims 49 and 50 in a continuing application. Editorial revisions have been made to claims 42, 43, and 46 to correct formal matters. Claims 51-55 have been newly added and incorporate subject matter from claim 42. No new matter has been added.

Reexamination and allowance of claims 1-48 and 51-55 is respectfully requested.

### **112 Rejections**

Claims 1-48 and 50 are rejected under U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

The Office Action inquires as to how the balloon remains on the catheter when the collars are arranged in the non-activated state. Applicants draw the Examiner's attention to tip rings 90, 92 discussed on page 11, lines 5-12 and shown in FIG. 1 of the present application. The tip rings 90, 92 may abut the collars 30 and/or 32 to limit the potential for undesired longitudinal migration of the balloon 16 relative to the catheter shafts 12 and 14. *Id.*

The specification, therefore, describes the subject matter of the claims so as to enable one skilled in the art to make and/or use the invention of claim 1. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

### **Claim Rejections**

Claims 1, 19, 28-33, 35-40, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Gumm (US-20030055483). Claim 50 has been canceled without prejudice or disclaimer, thereby rendering the rejection with respect to this claim moot. With respect to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites, in part, a proximal collar engaged to a catheter shaft and the distal collar engaged to the catheter shaft, each collar having a nonactivated state and an activated state. In

the nonactivated state, a distal balloon waist is rotatable about the distal collar and a proximal balloon waist is rotatable about the proximal collar.

Gumm does not disclose or suggest a distal balloon waist being rotatable about a distal collar and a proximal balloon waist being rotatable about a proximal collar when the collars are in nonactivated states. Rather, the balloon of Gumm is sealingly joined to distal and proximal rotating members 24, 26, thereby enabling the balloon to rotate relative to the main hypotube of the catheter. See Gumm, paragraph [0041]. The balloon in Gumm does not rotate about the rotating members 24, 26. Furthermore, the fixed bodies 20, 22 also are not equivalent to the collars recited in claim 1. The rotating members 24, 26 remain free to rotate with the balloon, regardless of whether the configuration is under pressure and engaged with the fixed bodies 20, 22.

For at least these reasons, Gumm does not anticipate claim 1. Claims 19, 28-33, and 35-40 depend from claim 1 and are allowable for at least the same reasons. Withdrawal of the rejection and allowance of claims 1, 19, 28-33, and 35-40 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gumm in view of U.S. Patent No. 6,315,790 to Gerberding et al. (hereinafter "Gerberding"). Applicants respectfully traverse the rejection.

Claims 16-18 depend from claim 1 and are allowable over Gumm for at least the same reasons as discussed above with respect to claim 1. Gerberding does not overcome the shortcomings of claim 1. Gerberding also does not disclose or suggest a distal balloon waist being rotatable about a distal collar and a proximal balloon waist being rotatable about a proximal collar when the collars are in nonactivated states.

For at least these reasons, Gumm would not lead a person skilled in the art to the invention of claims 16-18, even in view of Gerberding. Withdrawal of the rejection and allowance of claims 16-18 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gumm in view of U.S. Publication No. 2001/0032013 to Marton (hereinafter "Marton"). Applicants respectfully traverse the rejection.

Claim 34 depend from claim 1 and are allowable over Gumm for at least the same reasons as discussed above with respect to claim 1. Marton does not overcome the shortcomings of claim 1. Marton also does not disclose or suggest a distal balloon waist being rotatable about a distal collar and a proximal balloon waist being rotatable about a proximal collar when the collars are in nonactivated states.

For at least these reasons, Gumm would not lead a person skilled in the art to the invention of claim 34, even in view of Marton. Withdrawal of the rejection and allowance of claim 34 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

Claim 41, 42, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gumm in view of U.S. Publication No. 2002/0107330 to Pinchuk et al. (hereinafter "Pinchu"). Applicants respectfully traverse the rejection.

Claims 41, 42, and 46 depend from claim 1 and are allowable over Gumm for at least the same reasons as discussed above with respect to claim 1. Pinchuk does not overcome the shortcomings of claim 1. Pinchuk also does not disclose or suggest a distal balloon waist being rotatable about a distal collar and a proximal balloon waist being rotatable about a proximal collar when the collars are in nonactivated states.

For at least these reasons, Gumm would not lead a person skilled in the art to the invention of claims 41, 42, and 46, even in view of Pinchuk. Withdrawal of the rejection and allowance of claims 41, 42, and 46 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

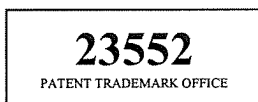
Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gumm in view of Pinchuk. Applicants respectfully traverse the rejection.

Claims 43-45 depend from claim 1 and are allowable over Gumm for at least the same reasons as discussed above with respect to claim 1. Pinchuk does not overcome the shortcomings of claim 1 for at least the same reasons as discussed above with respect to claims 41, 42, and 46.

For at least these reasons, Gumm would not lead a person skilled in the art to the invention of claims 43-45, even in view of Pinchuk. Withdrawal of the rejection and allowance of claims 43-45 is respectfully requested. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.

### **Conclusion**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



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Respectfully submitted,

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